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8                   **UNITED STATES DISTRICT COURT**  
9                   **DISTRICT OF NEVADA**

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11                   HAROLD E. MONTAGUE,

12                   Petitioner,

13                   v.

14                   MS. BAKER, et al.,

15                   Respondents.

16                   Case No. 3:17-cv-00648-RCJ-WGC

**ORDER**

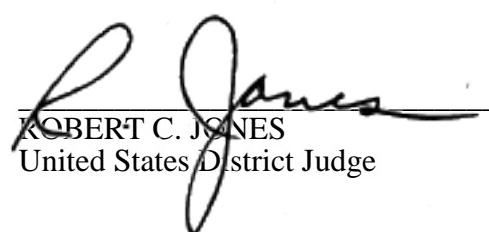
17                   Petitioner has filed a second amended petition (ECF No. 26). The court has reviewed it  
18 pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District  
19 Courts. The court will direct respondents to file a response.

20                   IT THEREFORE IS ORDERED that respondents will have forty-five (45) days from the  
21 date of entry of this order to answer or otherwise respond to the second amended petition (ECF  
22 No. 26). Respondents must raise all potential affirmative defenses, including lack of exhaustion,  
23 untimeliness, and procedural default, in an initial motion to dismiss. The court will not entertain  
24 successive motions to dismiss.

25                   IT FURTHER IS ORDERED that if respondents file and serve an answer, then they must  
26 comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District  
27 Courts. Petitioner then will have forty-five (45) days from the date on which the answer is served  
28 to file a reply.

1 IT FURTHER IS ORDERED that if respondents file and serve a motion, then petitioner  
2 will have forty-five (45) days from the date of service of the motion to file a response to the  
3 motion. Respondents then will have twenty-one (21) days from the date of service of the  
4 response to file a reply.

5 DATED: **September 9, 2019.**

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7 ROBERT C. JONES  
8 United States District Judge

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